

**REMARKS**

Claims 1, 2, 6, 7, 10-13, 17 and 28 have been amended. Claim 5 has been cancelled without prejudice. Claims 29-39 have been added. Accordingly, claims 1-3, 6-7, 9-13, 15-17, 19, 20, 23, 24, and 27-39 are pending and hereby submitted for further prosecution. Favorable reconsideration of the application is requested in light of the foregoing amendments and the remarks that follow.

**Allowable Subject Matter**

The Examiner has indicated that claim 17 of the application would be allowable if rewritten in independent form including all of the limitations of the base claim. Claim 17 has been so amended and is now in condition for allowance. New claims 29-33 depend on and include all of the recitations of claim 17 and are thus also in condition for allowance. New claim 34 recites "a clearance increasing portion depending downwardly from said inner edge of said top portion, wherein the clearance increasing portion is concave." New Claim 35 has a similar recitation. In the statement of reasons for the indication of allowable subject matter, the Examiner has indicated that none of the prior art found shows this feature of the invention. Accordingly, Applicant respectfully submits that claims 34 and 35 are also in condition for allowance.

**§112 Rejection of claims 6, 7, 12 and 13**

Claims 6, 7, 12 and 13 stand rejected under 35 U.S.C. §112, second paragraph. The Examiner states that there is no antecedent basis for the limitation "said first and second angles". Claim 1 has been amended to recite a first non-zero acute angle (at line 6 of claim 1) and a second non-zero acute angle (at line 8 of claim 1). Furthermore, claims 6, 7, 12 and 13

have been amended to clarify that each angle is between 1° and 89°. In view of the amendments, withdrawal of the section 112 rejection is requested.

### **§102(b) Rejection**

Claims 1-3, 5, 9-11, 15, 16, 19, 20, 23, 24, 27 and 28 stand rejected under 35 U.S.C. §102(b) as being anticipated by Poveromo. Poveromo discloses a boat trailer with a fender 22 (shown in Figure 4) having a base 32 integrally constructed on top of a semi-circular portion 34. *Curved* The Poveromo device needs base 32 to support bar 50, which ultimately supports a lamp 62 thereon. Claim 1, as amended, recites a fender "wherein the light housing is attached to the curved surface of the top portion" of the fender. Poveromo does not show the light housing attached to the curved surface of the top portion of the fender. In fact, the lamp 62 in Poveromo cannot be attached to the curved semi-circular portion 34 of the fender because the base 32 is attached thereon. In Poveromo, lamp 62 is attached to the end 60 of the bar 50, which is not curved and is spaced apart from the semi-circular portion 34. Accordingly, Claim 1 is patentably distinguishable from Poveromo. New Claim 39 includes the same recitation discussed above and is patentable for the same reasons. Claims 2-3, 5, 9-11, 14, 16, 19, 20, 23, 24 and 27 depend on claim 1 and contain additional features that distinguish the invention over the prior art.

Claim 28 recites "wherein the top portion is curved radially downwardly" and "the clearance increasing portion depends downwardly from the inner edge of the top portion." The Examiner equates the base 32 shown in Figure 3 with the top portion disclosed in claim 28. However, the base 32 disclosed in Poveromo is not curved radially downwardly, as recited in claim 28. Furthermore, Claim 28 requires that the clearance increasing portion depend from the curved top portion. Poveromo does not disclose a clearance increasing portion that

depends from the inner edge of a top portion, wherein the top portion is curved radially downward. Accordingly, claim 28 is patentably distinguishable from the Poveromo device.

New claims 36 through 38 are also patentably distinguishable from Poveromo. Claim 36 recites, "a top portion having a continuous curved upper surface." Because Poveromo's fender includes a base 32 attached on top of a semi-circular portion 34, it does not have a top portion having a continuous curved upper surface. Claim 37 and 38 recite a "fender having a uniform cross-section." Again, Poveromo's fender includes a horizontal base 32 attached on top of a semi-circular portion 34. A cross-sectional view of the fender assembly of Poveromo (which includes the base and the semi-circular portion) is not uniform throughout the fender. Accordingly, new claims 37 and 38 are also distinguishable over the cited reference.

### **§103(a) Rejection**

Claims 1-3, 5-7, 9-13, 15-16, 19, 20, 23 and 24 stand rejected under 35 U.S.C. §103(a) as being obvious in view of Hardwick and Nyman. Claim 1 recites "a clearance increasing portion depending downwardly from said inner edge of said top portion at a first non-zero acute angle in a first plane" and "an inner wall depending downwardly from the clearance increasing portion at a second non-zero acute angle in a second plane . . . wherein the first and second planes are non-coplanar." Neither Hardwick nor Nyman discloses a clearance increasing portion and an inner wall as described in claim 1. Hardwick discloses an inclined surface (which Applicant has identified as surface "A" on the attached drawing sheet) that extends from element 15. If the Examiner is equating element A to the clearance increasing portion of the present invention, then Hardwick does not disclose an inner wall extending from the clearance increasing portion. If the Examiner is identifying element A as both the clearance increasing portion and the inner wall, then the claims have been amended

to clarify that the clearance increasing portion and inner wall are non-coplanar (and thus cannot both be element A). If the Examiner is equating element 11 with the inner wall, then it should be noted that element 11 is not attached to element A and, therefore, does not "depend downwardly from the clearance increasing portion" as recited in claim 1. Nyman is cited for its disclosure of a light housing and does not disclose these features either. Accordingly, claim 1 is patentably distinguishable from Hardwick and Nyman. Independent claims 28, and 36-39 include the same recitation and are patentable for the reasons stated above. Claims 2-3, 5-7, 9-13, 15-16, 19, 20, 23 and 24 depend from claim 1 and contain additional features that patentably distinguish the claims from the cited references.

**CONCLUDING REMARKS**

In view of the amendments to the claims and the foregoing remarks, it is believed that all claims are in condition for allowance. Reconsideration of all rejections and a notice of allowance are respectfully requested. Should there be any questions regarding this application, Examiner Yeagley is invited to contact the undersigned attorney at the phone number listed below.

Respectfully submitted,

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Date

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

The following claims have been amended:

1. (Twice Amended) A fender having a longitudinal midline, and a light housing mounted to said fender offset from said midline, said fender further comprising:

a) a top portion having a curved surface and opposed inner and outer edges, and wherein the light housing is attached to the curved surface of the top portion;

b) a clearance increasing portion depending downwardly from said inner edge of said top portion at a first non-zero acute angle in a first plane, and

c) an inner wall depending downwardly from said clearance increasing portion at a second non-zero acute angle in a second plane, wherein said top portion and said inner wall are oriented substantially perpendicularly, and wherein the first and second plane are non-coplanar[, wherein said angle formed by said top portion and said clearance increasing portion, and the angle formed by said clearance increasing portion and said inner wall add up to approximately 90°].

2. (Amended) The fender of claim 1 [wherein said fender has an external surface having a shape, and] wherein said light housing comprises a base portion that conforms to at least a portion of said [shape] curved surface of said fender.

6. (Twice Amended) The fender of claim <sup>1</sup>~~5~~ wherein said first and second non-zero acute angles are each between about 1° and about 89°.

*claim 5  
canceling*

7. (Twice Amended) The fender of claim <sup>1</sup>~~5~~ wherein said first and second non-zero acute angles are each between about 40° and about 50°.

10. The fender of claim [5] <sup>1</sup>~~1~~ wherein said top portion further comprises a substantially flat middle section and two curved end sections.

11. The fender of claim [5] <sup>1</sup>~~1~~ wherein said top portion comprises a plurality of planar sections.

12. (Twice Amended) The fender of claim 11 wherein said first and second non-zero acute angles are each between about 1° and about 89°.

13. (Twice Amended) The fender of claim 11 wherein said first and second non-zero acute angles are each between about 40° and about 50°.

17. (Amended) A [The] fender [of claim 1] having a longitudinal midline, and a light housing mounted to said fender offset from said midline, said fender further comprising

a) a top portion having opposed inner and outer edges, wherein said light housing is attached to said top portion,

b) a clearance increasing portion depending downwardly from said inner edge of said top portion at a first non-zero acute angle, [and] wherein said clearance increasing portion is concave, and

c) an inner wall depending downwardly from said clearance increasing portion at a second non-zero acute angle, wherein said top portion and said inner wall are oriented substantially perpendicularly, and wherein said angle formed by said top portion and said clearance increasing portion, and the angle formed by said clearance increasing portion and said inner wall add up to approximately 90°.

28. (Twice Amended) A fender having a longitudinal midline, said fender comprising:

a) a light housing mounted to said fender offset from said midline,

b) a top portion having opposed inner and outer edges, wherein said top portion is curved radially downwardly in a longitudinal direction,

c) a clearance increasing portion having a bottom edge, said clearance increasing portion depending downwardly from said inner edge of said top portion at a non-zero acute angle in a first plane,

d) an inner wall having a bottom edge, said inner wall depending downwardly from said clearance increasing portion at a non-zero acute angle in a second plane, wherein said top portion and said inner wall are oriented substantially perpendicularly, wherein the first and second planes are non-coplanar and wherein said angle formed by said top portion and said clearance increasing portion, and the angle formed by said clearance increasing portion and said inner wall add up to approximately 90°, and

e) an outer wall having a bottom edge, said outer wall depending downwardly from said outer edge of said top portion,

wherein said entire bottom edge of said clearance increasing portion, said entire bottom edge of said inner wall, said entire bottom edge of said top portion and said entire bottom edge of said outer wall all lie in a common plane.

**The following new claims have been added:**

29. The fender of claim 17 wherein said fender has an external surface having a shape, and wherein said light housing comprises a base portion that conforms to at least a portion of the shape of the external surface of fender.

30. The fender of claim 29 wherein the light housing further comprises a raised portion adapted to receive a light fixture.

31. The fender of claim 17 further comprising an outer wall extending downwardly from the outer edge of the top portion.

32. The fender of claim 17 wherein the top portion further comprises a substantially flat middle section and two curved end sections.

33. The fender of claim 17 wherein the top portion comprises a plurality of planar sections.

34. A fender comprising:  
a) a top portion having opposed inner and outer edges; and  
b) a clearance increasing portion depending downwardly from said inner edge of said top portion, wherein said clearance increasing portion is concave.

35. A fender comprising:  
a) a top portion having opposed inner and outer edges; and  
b) a clearance increasing portion depending downwardly from said inner edge of said top portion at a first non-zero acute angle, wherein said clearance increasing portion is concave.

36. A fender comprising:  
a) a top portion having a continuous curved upper surface and opposed inner and outer edges;

b) a clearance increasing portion depending downwardly from said inner edge of said top portion at a first non-zero acute angle in a first plane, and

c) an inner wall depending downwardly from said clearance increasing portion at a second non-zero acute angle in a second plane, wherein said top portion and said inner wall are oriented substantially perpendicularly, and wherein the first and second plane are non-coplanar.

37. A fender having a uniform cross-section, the fender comprising:

a) a top portion having opposed inner and outer edges;

b) a clearance increasing portion depending downwardly from said inner edge of said top portion at a first non-zero acute angle in a first plane, and

c) an inner wall depending downwardly from said clearance increasing portion at a second non-zero acute angle in a second plane, wherein said top portion and said inner wall are oriented substantially perpendicularly, and wherein the first and second plane are non-coplanar.

38. A fender having a longitudinal midline and a uniform cross-section, the fender comprising:

a light housing mounted to the fender offset from the midline;

a top portion having opposed inner and outer edges;

a clearance increasing portion depending downwardly from said inner edge of said top portion at a first non-zero acute angle in a first plane, and

an inner wall depending downwardly from said clearance increasing portion at a second non-zero acute angle in a second plane, wherein said top portion and said inner wall are oriented substantially perpendicularly, and wherein the first and second plane are non-coplanar.

39. A fender having a longitudinal midline for use in conjunction with a wheel, and a light housing mounted to said fender offset from said midline, said fender further comprising:

a) a top portion having a curved surface and opposed inner and outer edges, and wherein the light housing is attached to the curved surface of the top portion;

b) a clearance increasing portion depending downwardly from said inner edge of said top portion at a first non-zero acute angle in a first plane,

c) an inner wall depending downwardly from said clearance increasing portion at a second non-zero acute angle in a second plane, wherein said top portion and said



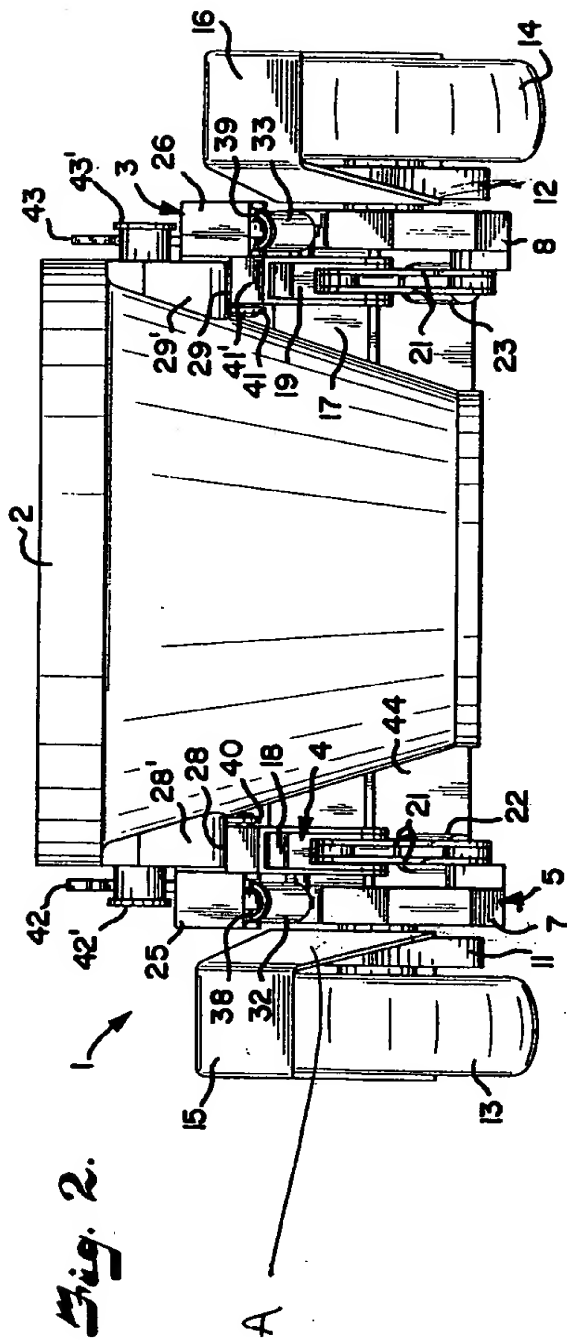
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Page - 16 -

inner wall are oriented substantially perpendicularly, and wherein the first and second plane are non-coplanar, and

d) an outer wall depending downwardly from said top portion, wherein the outer wall covers at least a part of the wheel.

Claim 5 has been cancelled without prejudice.



**Fig. 1.**

